

THE CHAIRMAN: That is a rhetorical question, I assume. Delegate Burdette. Delegate Gallagher.

DELEGATE GALLAGHER: Just a question, Mr. Chairman.

THE CHAIRMAN: State the question.

DELEGATE GALLAGHER: I wondered if Mrs. Bothe could tell us whether or not people in the penitentiary could get an absentee ballot to vote in their home district.

DELEGATE BOTHE: I was able to win without them.

THE CHAIRMAN: Are there any further questions of the sponsor?

Delegate Koss?

DELEGATE KOSS: Mr. Chairman, fellow delegates, I would like to speak only at this point to the question of eliminating that whole section rather than specifying the language, because I understand there will be an amendment offered which puts before this body the language in the draft constitution.

THE CHAIRMAN: That is correct.

DELEGATE KOSS: I think it is since 1851, but it might have been earlier than that, that the Maryland Constitution has included some basis for the disqualification of voting. It is very hard to get figures in terms of number of people affected by these provisions. In amplification of one question asked Delegate Bothe, I think indeed certain persons who are not convicted of crimes which render them immediately disqualified could apply for an absentee ballot and vote.

But in addition to the question as to whether or not people have been deprived of their civil rights in terms of prisons, there is also the whole question of whether people who seek to subvert the electoral process should be permitted to participate therein. This gives the General Assembly broad flexibility and does not limit them in the definition of serious crime. As far as persons adjudicated non compos mentis or mental incompetents, whatever language you want to use, I agree that lots of people walking around are probably less competent to vote in elections than people adjudicated. The problem is that there should be some standard which protects civil rights and therefore the adjudication standard was used. It seems to us that both of those long term provisions of the Constitution should be continued. The committee would therefore hope you would defeat the amendment.

THE CHAIRMAN: The Chair cannot resist announcing that it just received from Delegate Pullen an envelope with his compliments containing three cough drops.

Delegate Wagandt.

DELEGATE WAGANDT: Would Delegate Koss yield to a question?

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Yes, sir.

THE CHAIRMAN: Delegate Wagandt.

DELEGATE WAGANDT: I just want to clarify one point in my own mind. If section 5 is omitted, could the General Assembly still provide for some form of disqualification in the area of voting?

THE CHAIRMAN: Delegate Koss?

DELEGATE KOSS: No, sir.

THE CHAIRMAN: Are there any other questions? Delegate Bennett?

DELEGATE BENNETT: Mr. Chairman, I would like to support the proposal that this section be eliminated from the constitution. I do not agree with my good friend, Helen Koss, that the General Assembly could not impose any restrictions or disqualifications whatsoever, notwithstanding the fact it were omitted from the Constitution.

But let me say I am serving on a committee on the rights of the mentally ill of the American Bar Association and we have been much disturbed by efforts to disenfranchise people for one reason because it handicaps their recovery. If they feel they are under some kind of shame or some kind of disqualification, it makes much more difficult their treatment.

Moreover, as Delegate Bothe points out, well over ninety-five percent of the people that are in mental hospitals now are there on voluntary commitments, and to subject them to possible disqualification is inhuman.

This Convention, I think, can well display the breadth of vision and interest in the well-being of their fellow citizens who come into trouble with the income tax, for example, or for any other matter and not disqualify them, or not require or mandate their disqualification. This branding of them is in the nature of double punishment and should not be permitted or authorized or encouraged.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman, may I direct an inquiry to the sponsor of the amendment?